

# HOUSE BILL REPORT

## SSB 5269

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### As Reported by House Committee On: Agriculture & Natural Resources

**Title:** An act relating to the establishment of a license limitation program for the harvest and delivery of Pacific sardines into the state.

**Brief Description:** Establishing a license limitation program for harvest and delivery of Pacific sardines into the state.

**Sponsors:** Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Jacobsen, Swecker and Hatfield; by request of Department of Fish and Wildlife).

#### **Brief History:**

##### **Committee Activity:**

Agriculture & Natural Resources: 3/12/09, 3/19/09 [DPA].

#### **Brief Summary of Substitute Bill (As Amended by House)**

- Establishes a transferable sardine purse seine fishery license.
- Creates a temporary purse seine annual fishery permit.
- Sets fees for the sardine purse seine fishery license and the temporary purse seine annual fishery permit.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass as amended. Signed by 12 members: Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Grant-Herriot, Kretz, McCoy, Nelson, Ormsby, Pearson, Van De Wege and Warnick.

**Staff:** Jaclyn Ford (786-7339)

#### **Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Sardine distribution is seasonal and/or driven by ocean conditions. Sardines can be found from Mexico to Canada up to 200 miles off the coast. In Washington sardines are typically caught 10 to 35 miles offshore.

An experimental commercial fishery allows the harvest of a newly classified species, or harvest of a previously classified species, in a new area or by new means. Pacific sardine is managed under the Emerging Commercial Fishery provisions as an experimental commercial fishery by the Washington Department of Fish and Wildlife (WDFW). The fishery is open to purse seine gear only. Participants are required to annually renew their Emerging Commercial Fisheries License (\$185 for residents; \$295 for nonresidents) and Experimental Sardine Fishery Permit.

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### **Summary of Amended Bill:**

A vessel designation, along with either a Washington sardine purse seine fishery license (Sardine License) or a temporary annual fishery permit (Permit), is required to use purse seine gear to fish for or possess Pacific sardines in offshore waters. People who have a valid Oregon or California license or permit to fish for or possess sardines in offshore waters do not need a Washington Sardine License or Permit. However, a Washington Sardine License or Permit is required to deliver Pacific sardines into the state.

A Sardine License may be: (1) issued to a person who held a Coastal Pilchard Experimental Fishery Permit (Pilchard Permit) in 2008, or to any person who held a Pilchard Permit in 2005, 2006, or 2007 and whose vessel designated on the permit sank prior to 2008; (2) renewed annually; and (3) transferable.

Only a person who owns or operates a vessel designated on the license or permit may hold a Sardine License or Permit.

Beginning in 2010, after taking into consideration the status of the Pacific sardine population, the market for Pacific sardines in the state, and the impact on the marine ecosystem of the removal of sardines and other forage fish, including endangered marine species, the Director of the WDFW may issue a Sardine License to any person, as long as the issuance of the permit would not raise the number of licenses beyond the number initially issued in 2009.

Beginning in 2010, a Permit may be issued to any person if the combined number of active Sardine Licenses and Permits already issued during the year is less than 25.

The Director of the WDFW must adopt rules that require a person fishing under a Sardine License or Permit to minimize by-catch and the mortality of by-catch.

The Director of the WDFW must report annually to the Legislature on the amount of lost and derelict gear that remains in Washington waters as a result of purse seine fisheries and the effects that gear has caused on the marine ecosystem.

The annual fee for a Sardine License or a Permit is \$185 for residents and \$295 for nonresidents. A Permit expires at the end of the calendar year in which the permit is issued. A person may not own or hold an ownership interest in more than two Sardine Licenses.

**Amended Bill Compared to Original Bill:**

The amended bill adds:

- requirements for the Director of the WDFW to consider the impact of the removal of sardines and other forage fish from the marine ecosystem, including the effect on endangered marine species;
- requirements for the Director of the WDFW to adopt rules that require a person fishing under a Sardine License or a Permit to minimize by-catch, and the mortality of such by-catch; and
- requirements for the Director of the WDFW to report annually to the Legislature on the amount and effects of lost and derelict gear in Washington waters as a result of purse seine fisheries.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The Washington coastal fishery for sardines has been an experimental and trial fishery for nine years. It is time to transition to a commercial fishery.

(Opposed) None.

**Persons Testifying:** Lisa Veneroso and Tom Davis, Washington Department of Fish and Wildlife.

**Persons Signed In To Testify But Not Testifying:** None.